



**City Council
Legislative Session**

Agenda

**September 9, 2024
7:30 PM**

COMMITTEE MEETINGS

Mount Vernon City Council
Committee Meeting Schedule
September 9, 2024

6:50-7:05 p.m.	Executive session: IAFF contract	Employee & Community Relations Woods
7:10-7:15 p.m.	Upper Gilchrist TIF	Land Use & Development Keener

- 09-09-24 Committee Meeting Schedule

MEETING WILL RECESS UNTIL 7:30 P.M.

CALL TO ORDER

INVOCATION

Austin Beckett, Revive Church

PLEDGE OF ALLEGIANCE

ACCEPTANCE OF MINUTES

- City Council - Legislative Session - Aug 26, 2024 7:30 PM

RECEIVE PETITIONS AND COMMUNICATIONS

None.

RECEIVE COMMITTEE REPORTS

None.

LIQUOR CONTROL LICENSE

None.

PROCLAMATION

None.

PERSONS SPEAKING ON MATTERS OF CITY CONCERN

None.

RESOLUTIONS FOR THIRD READING

None.

RESOLUTIONS FOR SECOND READING

None.

RESOLUTIONS FOR FIRST READING

RESOLUTION NO. 2024-87

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-88

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF EMIL DIENER TO THE SHADE TREE AND BEAUTIFICATION COMMISSION FOR A THREE (3) YEAR TERM; AND DECLARING AN EMERGENCY.

Employee and Community Rel.: Woods, Keener

RESOLUTION NO. 2024-89

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE MATERIAL TERMS OF THE NATIONAL OPIOID SETTLEMENT WITH THE KROGER CO.; AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-90

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-91

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

Finance and Budget: Seavolt, Woods

RESOLUTION NO. 2024-92

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

Finance and Budget: Seavolt, Woods

ORDINANCES FOR THIRD READING

None.

ORDINANCES FOR SECOND READING**ORDINANCE NO. 2024-37**

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND DECLARING AN EMERGENCY.

Land Use and Development: Keener, Mahan

ORDINANCES FOR FIRST READING**ORDINANCE NO. 2024-38**

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED TIF-UPPER GILCHRIST ROAD FUND PURSUANT TO O.R.C. 5705.09(D), O.R.C.5705.10(C); AND DECLARING AN EMERGENCY.

Finance and Budget: Seavolt, Woods

REMARKS FROM THE ADMINISTRATION**REMARKS FROM COUNCIL****ADJOURN AT THE CALL OF THE PRESIDENT**



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-87

Meeting: 09/09/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 4090

**A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND
CERTIFYING THEM TO THE COUNTY AUDITOR; AND DECLARING AN EMERGENCY.**

WHEREAS, The Budget Commission in accordance with Ohio Revised Code Section 5705.28, has adopted a modified Tax Budget for the next succeeding fiscal year commencing January 1, 2025; and

WHEREAS, the Budget Commission, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within, the ten mill limitation;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio, that the amounts and rates as determined by the Budget Commission in its certification are hereby accepted;

SECTION 1: The following levies are hereby placed upon the tax duplicate of the City of Mount Vernon, Ohio at the rate of each tax necessary to be levied within and without the ten mill limitation:

SCHEDULE A

Summary of amounts required from General Property Tax approved by the Budget Commission and County Auditor's Estimated Tax Rates:

	Amount to be derived from Levies Inside <u>10 Mill Limitation</u>	County Auditor Est. of Tax Rate to be Levied Inside <u>10 Mill Limitation</u>
General Fund	\$1,010,600.00	2.60
Police Pension	117,000.00	.30
Fire Pension	117,000.00	.30
TOTALS	\$1,244,600.00	3.20

SCHEDULE B

Levies outside ten mill limitation, exclusive of debt levies.

SECTION 2: The Clerk of Council is hereby directed to certify a copy of this Resolution to the Knox County Auditor.

SECTION 3: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public, peace, health and safety, and for the further reason that certifications of tax rates are due to the County Auditor by October 1 pursuant to Revised Code Section 5705.34, and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-88

Meeting: 09/09/24 7:30 PM
Dept: Employee and Community Rel.
Woods, Keener
Category: Appointment
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4093

A RESOLUTION CONFIRMING THE MAYOR'S APPOINTMENT OF EMIL DIENER TO THE SHADE TREE AND BEAUTIFICATION COMMISSION FOR A THREE (3) YEAR TERM; AND DECLARING AN EMERGENCY.

WHEREAS, the Council for the City of Mount Vernon, State of Ohio, on July 22, 2024, adopted Ordinance No. 2024-33, amending Section 141.01 of the Codified Ordinances to add two additional members to the Shade Tree and Beautification Commission, who are citizens and residents of this City, and who shall be appointed by the Mayor with the approval of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Council for the City of Mount Vernon confirms the Mayor's appointment of Emil Diener, 706 Knolls Drive, Mount Vernon, Ohio to the Shade Tree and Beautification Commission for a three (3) year term, commencing immediately, and ending September 10, 2027.

SECTION 2: This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Resolution shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise it shall take effect and be in force from and after the earliest period allowed by law.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-89

Meeting: 09/09/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Rob Broeren
Initiator: Todd Hill
DOC ID: 4094

A RESOLUTION AUTHORIZING THE SAFETY-SERVICE DIRECTOR TO ACCEPT THE MATERIAL TERMS OF THE NATIONAL OPIOID SETTLEMENT WITH THE KROGER CO.; AND DECLARING AN EMERGENCY.

WHEREAS the City of Mount Vernon, Ohio (hereinafter referred to as “the City”) is a municipal entity formed and organized pursuant to the Constitution and laws of the State of Ohio; and

WHEREAS the people of the State of Ohio and its communities have been harmed by misfeasance, nonfeasance and malfeasance committed by certain opioid manufacturers and retailers; and

WHEREAS the City has the opportunity to settle with the Kroger Co. (opioid retailer), which is summarized in the attached Exhibit A; and

WHEREAS, Council desires to accept and agree to settlement.

NOW, THEREFORE, Be it Resolved by the Council of the City Of Mount Vernon, State of Ohio, that:

SECTION 1: The Safety-Service Director is hereby authorized to accept and agree to the material terms of the Proposed Settlement, as summarized in Exhibit A.

SECTION 2: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in open meetings of this Council, and that all deliberations of this Council and of any of its Committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including its Codified Ordinances and Section 121.22 of the Ohio Revised Code.

SECTION 3: This Resolution is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the residents of the City and for the further reason that the Participation Form must be signed as soon as possible to ensure prompt pursuit of funds to assist in abating the opioid epidemic throughout Ohio, and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Statement of Plaintiffs' Executive Committee

June 7, 2024

The below statement is on behalf of National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee co-leads Joe Rice of Motley Rice LLC; Jayne Conroy of Simmons Hanly Conroy; and Paul T. Farrell Jr. of Farrell & Fuller Law LLC.

"This \$1.2 billion settlement with Kroger marks another significant step in holding each company involved in the opioid epidemic accountable and ensuring essential resources are delivered to communities across the country. We encourage all eligible states and subdivisions to join us in this settlement to expedite the process of providing these life-saving resources where they are needed most.

"Although the efforts of the law firms appointed five years ago to the opioid MDL leadership have secured over \$51 billion for communities nationwide, our work is not over. We remain committed to vigorously pursuing the remaining cases against pharmacy benefit managers and other regional manufacturers, distributors, and pharmacies."

Additional background: Dependent on state and subdivision participation, the settlement with Kroger totaling \$1.2 billion will be paid out over eleven years after its effective date.

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City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-90

Meeting: 09/09/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
 Category: Finance
 Prepared By: Terry Scott
 Initiator: Todd Hill
DOC ID: 4095

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO MAKE SUPPLEMENTAL APPROPRIATIONS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to make supplemental appropriations as follows:

1. To Account 217.1300.51111, FEMA-Personnel & Benefits, in the amount of \$316,988.59.
 (Fire Department - SAFER Grant)
2. To Account 405.2900.55514, Roads-Asphalt, in the amount of \$30,000.00.
 (American Electric Easements)
3. To Account 101.2650.51111, Personnel & Benefits, in the amount of \$22,000.00.
 To Account 101.2650.52121, P.E.R.S., in the amount of \$3,850.00.
 To Account 101.2650.52126, Medicare & Social Security, in the amount of \$400.00.
 To Account 101.2650.52123, Workers' Compensation, in the amount of \$600.00.
 (Grant for Tree Watering Program - Ariel Foundation)
4. To Account 405.2900.55514, Roads-Asphalt, in the amount of \$23,961.78.
 (Reimbursement from Mount Vernon School District - Dan Emmett Improvement Project)
5. To Account 206.2300.55515, C.D.B.G. Construction, in the amount of \$700,000.00 (Neighborhood Revitalization Grant - Northside Redevelopment (Dan Emmett) Project)

SECTION 2: This Resolution provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.20, it shall become effective upon its date of passage and approval by the Mayor.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-91

Meeting: 09/09/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance Prepared
By: Terry Scott Initiator:
Todd Hill
DOC ID: 4096

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO PAY BILLS PURSUANT TO SECTION 5705.41 (D), THEN AND NOW CERTIFICATION.

WHEREAS, the Safety-Service Director for the City of Mount Vernon did make the necessary inquiries that these billed amounts as indicated are legitimate and proper and did approve payment in the amounts shown; and

WHEREAS, at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract or order was in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to pay bills as follows:

1. To Bebout Masonry, in the amount of \$5,970.00, to be taken from Account 101.2500.53312, Maintenance & Repairs.
2. To The Winter Sanctuary, in the amount of \$10,000.00, to be taken from Account 227.1300.54111, Services Received.
3. To Underground Utilities, Inc., in the amount of \$83,096.19, to be taken from Account 720.2840.55514, Line Maintenance & Repairs.

SECTION 2: This Resolution provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

RESOLUTION 2024-92

Meeting: 09/09/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 4097

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO TRANSFER CERTAIN FUNDS.

NOW, THEREFORE, BE IT RESOLVED by the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to transfer funds as follows:

1. From Account 227.1300.55514, Infrastructure, to Account 227.1300.54111, Services Received, in the amount of \$2,500.00.
2. From Account 227.1300.55514, Infrastructure, to Account 227.1300.54115, Environmental Consultants, in the amount of \$95,000.00.
3. From Account 101.3600.51111, Employee Final Payoff, to Account 101.1600.54465, Income Tax Refunds, in the amount of \$41,000.00.
4. From Account 101.3600.51111, Employee Final Payoff, to Account 101.3600.54493, Fireworks, in the amount of \$20,000.00.
5. From Account 710.3210.54118, Environmental Consultant, to Account 710.3210.55513, Lines, Channels, & Rivers, in the amount of \$100,000.00.

SECTION 2: This Resolution provides for appropriations for the current expenses of the City, and therefore, pursuant to Revised Code Section 731.30, it shall become effective upon its date of passage and approval by the Mayor.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-37

Meeting: 09/09/24 7:30 PM
Dept: Land Use and Development
Keener, Mahan
Category: Finance
Prepared By: Todd Hill
Initiator: Todd Hill
DOC ID: 4084

AN ORDINANCE DECLARING THE IMPROVEMENTS TO CERTAIN REAL PROPERTY LOCATED IN THE CITY OF MOUNT VERNON, KNOX COUNTY, OHIO TO BE A PUBLIC PURPOSE; DECLARING SUCH IMPROVEMENTS TO BE EXEMPT FROM REAL PROPERTY TAXATION; REQUIRING THE OWNERS THEREOF TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES; DESIGNATING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT WILL DIRECTLY BENEFIT THE REAL PROPERTY; AND ESTABLISHING A PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SERVICE PAYMENTS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mount Vernon, Ohio (the "City") desires to facilitate the development of certain real property located within the territorial boundaries of the City; and

WHEREAS, several separate parcels of real property (as depicted and described in Exhibit A attached hereto and incorporated herein by this reference) will be developed as commercial properties (the "Commercial TIF Site"); and

WHEREAS, the development of commercial properties in the City is a project, as that term is defined in Ohio Revised Code Section 5709.40(A)(7) (the "Project"), that will benefit the City and its residents by creating economic opportunities, enlarging the property tax base, and stimulating collateral development in the City; and

WHEREAS, by providing public infrastructure improvements, as that term is defined in Ohio Revised Code Section 5709.40(A)(8) (as more fully described in Exhibit B attached hereto and incorporated herein by this reference, the "Public Infrastructure Improvements"), the City may facilitate the development of commercial properties for the benefit of the Commercial TIF Site, including, without limitation, by facilitating the financing, acquisition and construction of the Public Infrastructure Improvements; and

WHEREAS, Ohio Revised Code Sections 5709.40, 5709.42 and 5709.43 (the "TIF Act") provide for the use of City tax increment financing to pay the costs of Public Infrastructure Improvements, which costs may include, without limitation: (i) the payment for or reimbursement of costs of the Public Infrastructure Improvements incurred by the City or any other public or private party in cooperation with the City, and (ii) payment of debt service, required reserves and administrative expenses on, and other expenses relating to the issuance of, any bonds, notes or other obligations issued to finance the Public Infrastructure Improvements (collectively, the "Debt Service"); and

WHEREAS, the TIF Act provides that this City Council may, among other things, (a) declare the improvement to real property located in the City to be a public purpose, thereby exempting such improvement from real property taxation for a period of time, (b) specify public

infrastructure improvements to be made to benefit the Commercial TIF Site, (c) require the owner or owners of those parcels to make service payments in lieu of taxes, and (d) establish a public improvement tax increment equivalent fund into which such service payments shall be deposited; and

WHEREAS, the City desires to grant a one hundred percent (100%) exemption from real property taxation for a period of thirty (30) years (the "TIF Exemption") for each improvement to the Commercial TIF Site (as defined in Section 1 hereof, the "Improvement"); and

WHEREAS, the City has determined that it is necessary and appropriate and in the best interests of the City to require the owners of the parcels included in the Commercial TIF Site and their heirs, successors and assigns (collectively, with their heirs, successors and assigns, as owners of the Commercial TIF Site, the "Owners") to make service payments in lieu of taxes (as defined in Section 2 hereof, the "Service Payments") with respect to the Improvement pursuant to Ohio Revised Code Section 5709.42; and

WHEREAS, the Mount Vernon City School District and the Knox County Career Center have each received notice of the TIF Exemption and the proposed text of this Ordinance in advance of the date on which this Ordinance is being adopted, in accordance with Ohio Revised Code Sections 5709.40 and 5709.83.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Mount Vernon, Knox County, Ohio that:

SECTION 1: Authorization of TIF Exemption. Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), this City Council hereby finds and determines that one hundred percent (100%) of the increase in assessed value of each parcel (as it may be subdivided or combined in connection with the acquisition or development of a parcel) comprising the Commercial TIF Site (the "Exempted Property") that first appears on the tax list and duplicate of real and public utility property after the effective date of this Ordinance, which increase in assessed value in hereinafter referred to as the "Improvement," as defined in Ohio Revised Code Section 5709.40(A)(4), is declared to be a public purpose. Pursuant to and in accordance with the TIF Act, the Improvement with respect to each parcel shall be exempt from real property taxation (the "TIF Exemption") for a period commencing with the first day of the first tax year in which there is newly assessed real property tax valuation for a partial or complete building or structure on the parcel and ending for a parcel on the thirtieth (30th) anniversary of such date or the date the Public Infrastructure Improvements (as defined in the TIF Ordinance) are paid in full, whichever occurs first. After the TIF Exemption becomes effective, such TIF Exemption shall apply with respect to any parcel when the Improvement to such parcel is made and an exception for such parcel is claimed in the manner provided for in this Ordinance.

SECTION 2: Payment of Service Payments. As provided in Ohio Revised Code Section 5709.42, but only after the TIF Exemption is effective, the Owner of a parcel that includes any Exempted Property shall be required to, and shall make, service payments in lieu of taxes with respect to the Improvement allocable thereto to the Knox County Treasurer (the "County

Treasurer") on or before the final due dates for payment of real property taxes. Each service payment in lieu of taxes shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against such parcel as if it were not exempt from taxation pursuant to Section 1 hereof. If any reduction in the levies otherwise applicable to such parcel is made by the County budget commission under Ohio Revised Code Section 5705.31, the amount of the service payment in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxes shall be calculated as if the reduction in levies had not been made. Any late payments of service payments in lieu of taxed shall be subject to penalty and bear interest at the then current rate established under Ohio Revised Code Sections 323.121(B)(1) and 5703.47, as the same may be amended from time to time, or any successor provisions thereto (the "Penalties and Interest"). Each Owner shall make any other payments in respect of such parcel which are received by the County Treasurer in connection with any reduction required by Ohio Revised Code Section 319.302, as the same may be amended from time to time, or any successor provisions thereto (the "Property Tax Rollback Payments," together with the service payments in lieu of taxes and the "Penalties and Interest," are collectively referred to herein as the "Service Payments"). The Service Payments shall be allocated and distributed in accordance with Section 3 hereof.

SECTION 3: Creation of TIF Fund; Application of Service Payments. This City Council hereby establishes, pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.43, a Public Improvement Tax Increment Equivalent Fund. The City Auditor may create one or more accounts or sub-accounts within such fund as appropriate to distinguish the Service Payments received with respect to the TIF Exemption established pursuant to this Ordinance from any tax increment financing programs that may be established by the City in the future and as are necessary to account for payment of the costs of the Public Infrastructure Improvements, including any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, Debt Service, and other expenses relating to the issuance of any bonds, notes or other obligations issued to finance the Public Infrastructure Improvements. As used in this Ordinance, "TIF Fund" shall refer to the specific fund or account that receives the Service Payments provided for in this Ordinance. The TIF Fund shall be maintained in the custody of the City and shall receive all distributions of Service Payments required to be made to the City. Those Service Payments received by the City with respect to the Exempted Property shall be used solely for the purposes authorized in the TIF Act, including, but not limited to, paying any costs of the Public Infrastructure Improvements. For purposes of this Ordinance, "costs" of the Public Infrastructure Improvements" set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which "costs" specifically include any reimbursement payments for the reimbursement of the costs of the Public Infrastructure Improvements, and Debt Service, and other expenses relating to the issuance of any bonds, notes or other obligations issued to finance the Public Infrastructure Improvements. The TIF Fund shall remain in existence so long as such Service Payments are collected and used for the aforementioned purposes, after which time said TIF Fund shall be dissolved and any surplus funds remaining therein shall be transferred to the City's General Fund, all in accordance with the TIF Act.

Pursuant to the TIF Act, the County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments as follows: (I) *first* to the Mount Vernon City School District and the Knox County Career Center, each an amount equal to the amount the respective school district would otherwise have received as real property tax payments (including the applicable portion of any Property Tax Rollback Payments) derived from the Improvement to the parcels located within each school district if the Improvement had not been exempt from taxation pursuant to this Ordinance, and (ii) *second*, to the City for deposit into the TIF Fund. The distribution from the County Treasurer to the City required under this Section and under Ohio Revised Code Section 5709.42(B) is requested to be made at the same time and in the same manner as real property tax distributions.

SECTION 4: Public Infrastructure Improvements. This City Council hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto as "public infrastructure improvements" (as such term is defined in Ohio Revised Code Section 5709.40(A)(8)) made, to be made, or in the process of being made, and that, once made, will directly benefit the Commercial TIF Site.

SECTION 5: Application for Real Property Tax Exemption and Remission. This City Council further hereby authorizes and directs the City Mayor, the City Auditor, or other appropriate officers of the City, to sign and execute all documents, including any Ohio Department of Taxation, Division of Tax Equalization forms or related filings, and make such arrangements as are necessary and proper for collection of Service Payments from the Owners of real property located in the Commercial TIF Site, which are to be deposited into the TIF Fund.

SECTION 6: Further Authorizations. This City Council further hereby authorizes and directs the City Mayor, the City Auditor, or other appropriate officers of the City, to prepare and sign all agreements, and any amendments thereto such that the character of those changes is not substantially adverse to the City, which shall be established conclusively by their signatures thereon, and to prepare and sign all instruments and to take all other actions as may be necessary and appropriate to implement this Ordinance.

SECTION 7: Notices. This City Council hereby finds and determines that notice of this proposed Ordinance has been delivered to all affected school districts, including the Mount Vernon City School District and the Knox County Career Center, in accordance with Ohio Revised Code Sections 5709.40 and 5709.83, and hereby ratifies the giving of that notice.

Pursuant to Ohio Revised Code Section 5709.40(I), the Clerk of City Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its adoption. On or before March 31 or each year that any exemption set forth in Section 1 hereof remains in effect, the City Auditor or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report regarding the Project and the Public Infrastructure Improvements required under Ohio Revised Code Section 5709.40(I).

SECTION 8: Tax Incentive Review Council. The City has created the City Tax Incentive Review Council with the membership of that Council constituted in accordance with

Ohio Revised Code Section 5709.85. That Council shall, in accordance with Ohio Revised Code Section 5709.85, review annually all exemptions from taxation resulting from the declarations set forth in this Ordinance and any other such matters as may properly come before that Council, all in accordance with Ohio Revised Code Section 5709.85.

SECTION 9: Open Meetings. This City Council finds and determines that all formal actions of this City Council and any of its committees concerning and relating to the adoption of this Ordinance were taken in an open meeting of this City Council, and that all deliberations of this City Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Ohio Revised Code Section 121.22.

SECTION 10: Effective Date. This Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that an emergency exists in the usual daily operation of the various departments of the municipal government and said Ordinance shall, therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

HISTORY:

08/26/24

City Council

FIRST READING

Ordinance No. 2024-37 was given a first reading. Keener requested a 15-minute meeting of the Land Use and Development Committee on the legislation for Sept. 9, 2024.

EXHIBIT A**Map of Commercial TIF Site**

The Commercial TIF Site consists of the parcel numbers identified below and in the records of the County Auditor of Knox County, Ohio as of August 26, 2024.

7100050002

7100050001

7100050003

7100050004

7100050005

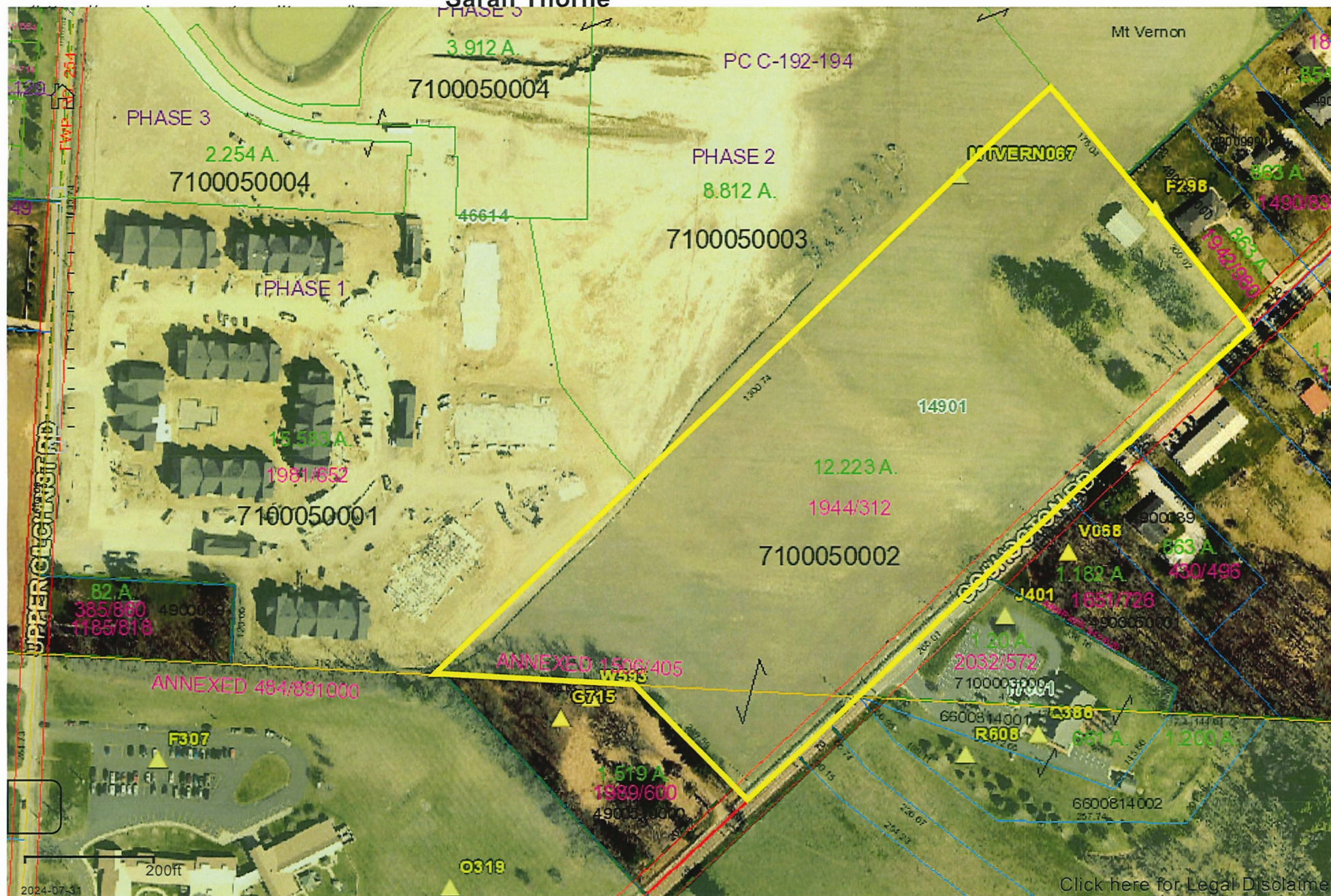
7100050000

[Map Attached]

Attachment: Exhibit A (2024-37 : Upper Gilchrist TIF)



Sarah Thorne



Attachment: Exhibit A (2024-37 : Upper Gilchrist TIF)



Knox County Ohio, GIS Sarah Thorne



Attachment: Exhibit A (2024-37 : Upper Gilchrist TIF)



Knox County Ohio, GIS Sarah Thorne



Attachment: Exhibit A (2024-37 : Upper Gilchrist TIF)



Knox County Ohio, GIS

Sarah Thorne



Attachment: Exhibit A (2024-37 : Upper Gilchrist TIF)



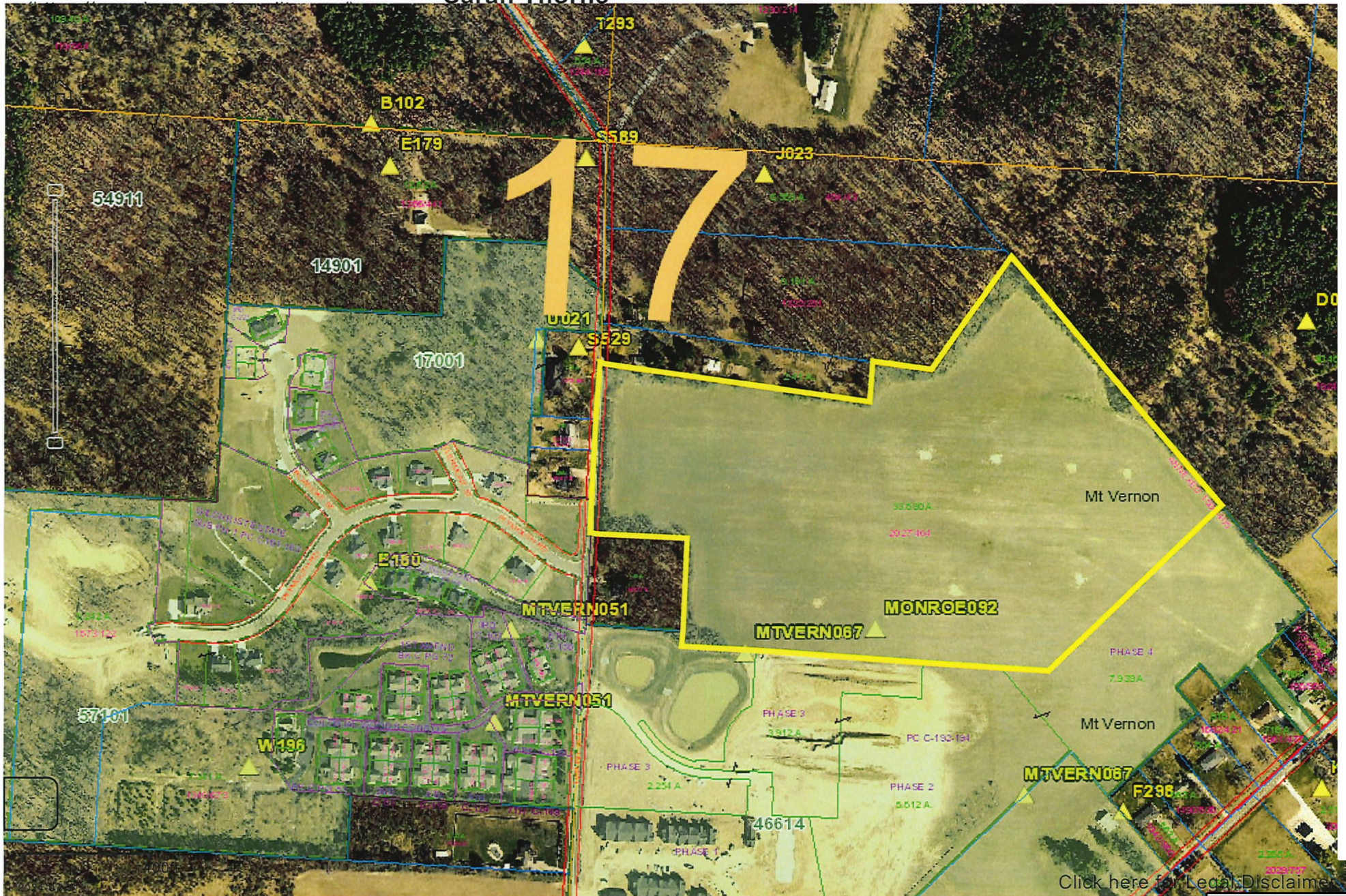
Sarah Thorne



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Knox County Ohio, GIS Sarah Thorne



[Click here for Legal Disclaimers](#)

Attachment: Exhibit A (2024-37 : Upper Gilchrist TIF)

EXHIBIT B

Public Infrastructure Improvements

The Public Infrastructure Improvements consist generally of acquiring and constructing the infrastructure described below:

- Construction, reconstruction, extension, opening, improving, widening, grading, draining, curbing or changing of the lines and traffic patterns of roads, highways, streets, bridges (both roadway and pedestrian), traffic calming devices, sidewalks, bikeways, medians and viaducts accessible to and serving the public, and providing lighting systems, signalization, and traffic controls, the continued maintenance of public roads and highways, and all other appurtenances thereto;
- Construction, reconstruction or installation of improvements (including any underground utilities), storm and sanitary sewers (including necessary site grading therefore), water and fire protection systems, the continued maintenance of water and sewer lines, and all other appurtenances thereto;
- Construction, reconstruction or installation of gas, electric, and communication service facilities, and all other appurtenances thereto;
- Construction or reconstruction of one or more public parks, including grading, trees and other park plantings, park accessories and related improvements, and all other appurtenances thereto;
- Construction or installation of streetscape and landscape improvements including trees and shrubs, landscaping mounds and fencing, tree grates, planting beds, signage, curbs, sidewalks, street and sidewalk lighting, trash receptacles, benches, newspaper racks, burial of overhead utility lines and related improvements, and all other appurtenances thereto;
- Construction of one or more public parking facilities, including public surface parking, public parking structures and related improvements, off-street parking facilities, including those in which all or a portion of the parking spaces are reserved for specific uses when determined to be necessary for economic development purposes, and all other appurtenances thereto;
- Demolition and excavation, including demolition and excavation on private property when determined to be necessary for economic development purposes;
- Acquisition of real estate or interests in real estate (including easements) necessary to accomplish the foregoing improvements;
- Any on-going administrative expenses relating to the Public Infrastructure Improvements and maintaining the TIF revenues, including but not limited to engineering, architectural, legal, TIF administration, and other consulting and professional services; and,
- All inspection fees and other governmental fees related to the foregoing.

The Public Infrastructure Improvements specifically include the costs of financing the Public Infrastructure Improvements, including the items of “costs of permanent improvements” set forth in Ohio Revised Code Section 133.15(B), and incurred with respect to the Public Infrastructure Improvements, which “costs” specifically include any reimbursement payments for the

reimbursement of the costs of the Public Infrastructure Improvements and the Debt Service on, and other expenses relating to the issuance of, any bonds, notes, or other obligations issued to finance the Public Infrastructure Improvements.

All of the Public Infrastructure Improvements described above are hereby determined to be “public infrastructure improvements” (as defined in Ohio Revised Code Section 5709.40(A)(8)) and are intended to benefit the real property described in Exhibit A.



City Council
City of Mount Vernon
Mount Vernon, OH 43050

SCHEDULED

ORDINANCE 2024-38

Meeting: 09/09/24 7:30 PM
Dept: Finance and Budget
Seavolt, Woods
Category: Finance
Prepared By: Terry Scott
Initiator: Todd Hill
DOC ID: 4091

A RESOLUTION AUTHORIZING AND DIRECTING THE AUDITOR OF THE CITY OF MOUNT VERNON TO CREATE A NEW FUND TO BE NAMED TIF-UPPER GILCHRIST ROAD FUND PURSUANT TO O.R.C. 5705.09(D), O.R.C.5705.10(C); AND DECLARING AN EMERGENCY.

WHEREAS Ohio Revised Code § 5705.09(D) requires each subdivision to establish a special fund for each special levy and Ohio Revised Code Section 5705.10(C) requires all revenue derived from a special levy to be credited to a special fund for the purpose for which the levy was made; and

WHEREAS, it is necessary to establish this fund for the collection and distribution of revenues generated from the tax increment financing revenues.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Mount Vernon, State of Ohio:

SECTION 1: That the Auditor for the City of Mount Vernon be, and he herewith is, authorized and directed to create a new fund to be called TIF-Upper Gilchrist Road Fund pursuant to O.R.C. 5705.09(D) and O.R.C. 5705.10(C).

SECTION 2: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, for the further reason that an emergency exists in the usual daily operation of the Auditor's department of the municipal government, and said Ordinance shall therefore, become effective upon its date of passage and approval by the Mayor, provided that it receives the affirmative vote of two-thirds (2/3) of the members elected to the Council of the City of Mount Vernon; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.